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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DANIEL DONOHUE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:11-cv-05337 RMW

CLASS ACTION

**JOINT STIPULATION FOR
EXTENSION OF TIME TO FILE
AMENDED COMPLAINT; []
ORDER**

[N.D. CAL. CIVIL LR 6-2]

Judge: Hon. Ronald M. Whyte
Complaint Filed: November 3, 2011
Trial Date: None

1 Pursuant to Northern District Local Rules 6-1(b) and 6-2(a), plaintiff and defendant Apple
2 Inc. ("Apple"), by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, on May 10, 2012, the Court entered an order granting Apple's motion to
4 dismiss, and ordering plaintiff to file a Second Amended Complaint ("SAC") on or before June
5 11, 2012;

6 WHEREAS, the Court has granted the parties' stipulated requests to extend plaintiff's
7 time to file the SAC (Dkt. Nos. 51, 53, 57);

8 WHEREAS, the SAC is currently due to be filed on September 21, 2012 (Dkt. No. 57);

9 WHEREAS, plaintiff and Apple attended a mediation on August 29, 2012, with Catherine
10 Yanni, Esq. of JAMS and continue to engage in productive settlement discussions;

11 WHEREAS, therefore, plaintiff and Apple agree to extend plaintiff's time to file the SAC,
12 and to extend Apple's time to plead or otherwise respond to the SAC;

13 WHEREAS, this stipulation will not otherwise effect or alter any deadline set by this
14 Court;

15 NOW THEREFORE, the parties stipulate as follows:

- 16 1. Plaintiff's time to file the SAC is extended to and including October 22, 2012.
 - 17 2. Apple's time to plead or otherwise respond to the SAC is extended to and
18 including November 19, 2012.
 - 19 3. Plaintiff's opposition to any threshold motions responding to the SAC shall be
20 filed on or before November 16, 2012.
 - 21 4. Apple's reply brief shall be filed on or before December 17, 2012.
 - 22 5. A hearing on Apple's threshold motions, if any, shall be set for January 11, 2013
23 at 9:00 a.m.
 - 24 6. Apple is not obligated to answer the SAC until after the Court rules on any
25 threshold motions.
- 26
27
28

1 Dated: September 21, 2012

PENELOPE A. PREOVOLOS
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4 By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

Attorneys for Defendant
APPLE INC.

7 Dated: September 21, 2012

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14 By: /s/ Kathryn Diemer
Kathryn Diemer

Attorneys for Plaintiff
DANIEL DONOHUE

17
18 I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file
19 this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on
file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this
efiled document.

21 By: /s/ Penelope A. Preovolos
Penelope A. Preovolos

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Date: ~~FOFPG~~

26 
27 Hon. Ronald M. Whyte
28 United States District Judge